

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIABQ-3219
(Inmate Number)

ORIGINAL

MR. JOHN RICHARD JAE
(Name of Plaintiff)SCI - Camp Hill
P.O. Box 200
(Address of Plaintiff)

(Case Number)

Camp Hill, PA. 17001-0200

vs.

DR. ROBERT CLARK,
Chief Psychiatrist
(Names of Defendants)**1 : CV 00-1090**
CIVIL RIGHTS
COMPLAINT
WITH A JURY DEMANDFILED
HARRISBURG, PA

JUN 5 2000

MARY E. DIAMONDA CLERK
Per [Signature]TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS
☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

No. 92-218 (W.D. Pa.) - Doe v. Lehman, No. 92-1969 (W.D. Pa.) - Doe v. Rowley
No. 92-218 (W.D. Pa.) - Doe v. Ruffolo, No. 93-1112 (W.D. Pa.) - Doe v. Lehman, No. 94-154 (W.D. Pa.) - Doe v. Good
94-125 (W.D. Pa.) - Doe v. Grease, No. 94-1103 (W.D. Pa.) - Doe v. Grease, CAN 94-3555 (3d Cir.) - Doe v.
CAN 95-3573 (3d Cir.) - Doe v. Collins, CAN 95-3575 (3d Cir.) - Doe v. White, No. 95-2019 (W.D. Pa.)
(All Western Dist. Federal Court Civil Actions above, were assigned to Judge Hancock)

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?
-
- ☒
- Yes
- ☐
- No

- B. Have you filed a grievance concerning the facts relating to this complaint?
-
- ☒
- Yes
- ☐
- No

If your answer is no, explain why not N/AC. Is the grievance process completed? ☐ Yes ☒ No AS per policy DO-ADM #20
Form & sent it to MR. Livingston, Grievance Coordinator here, who received it & assisted

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

A. Defendant DR. Robert Clark is employed
as the Chief Psychiatrist at State Correctional Institution at Camp Hill, PA - 17001-8833

B. Additional defendants _____

_____ N/A _____

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. On April 24, 2000, per the orders of Defendant Dr. Robert Clark, Chief Psychiatrist, Plaintiff Jare was placed in steel hand cuffs, a black box and a steel waist chain with a pad lock in a cell in the RHU at SCI - Camp Hill.
2. Defendant Dr. Robert Clark, Chief Psychiatrist, ordered the above on April 24, 2000, without first personally examining, seeing and talking to this Plaintiff to verify & determine that it was absolutely necessary to do this to the Plaintiff here.
3. That, Defendant Dr. Robert Clark, Chief Psychiatrist, left Plaintiff Jare in such steel hand cuffs, black box and steel waist chain with a pad lock and did not see, examine nor talk to Plaintiff Jare for many days from April 24 to April 27, 2000.
4. On April 27, 2000, Defendant Dr. Robert Clark, Chief Psychiatrist, ordered the steel Hand cuffs, Black Box, Steel waist chain Pad lock removed from Plaintiff Jare.

5. Based upon his information and belief Plaintiff states that on Wednesday, April 26, 2000, Defendant Dr. Clark, Chief Psychiatrist, came down here to the RHU to talk to Plaintiff & to order removed the steel hands black box, steel waist chain and pad lock from him but upon arriving in the RHU he was informed that this Plaintiff had been given an Institution misconduct report on that same morning for threatening an officer here and he ordered everything above to remain left on this Plaintiff here and he left without him even actually seeing, examining and/or talking to this Plaintiff here then.

6. That, the initial and continued placement of this Plaintiff in steel handcuffs, a black box, a steel waist chain and a pad lock here from April 24, 2000, - April 27, 2000, was done for punitive purposes to punish this Plaintiff for his behavior and such was not the least restrictive measure which could have been used here amount to in humane treatment.

7. That, from a couple hours prior to him being initially placed in such steel handcuffs, black box, steel waist chain a pad lock here on April 24, 2000, until April 27, 2000, when such was all removed from him, this Plaintiff did not state any desire nor wish to harm or kill himself.

8. That, as a direct result of him being placed & left in steel handcuffs, a black box, a steel waist chain and a pad lock by Defendant Dr. Clark on April 25, 2000, thru lunch on ~~April 26~~ April 27, 2000, Plaintiff was unable to eat normally & had to stick his mouth down his food and drink and eat/drink it like a dog which not only

9. That, as a direct result of him being placed & left in steel hand cuffs, a black box, a steel waist chain and a padlock by Defendant Dr. Clark, from April 24, 2000 - April 26, 2000, Plaintiff Jare was unable to sleep.

10. That, as a direct result of him being placed & left in steel handcuffs, a black box, a steel waist chain and a padlock by Defendant Dr. Clark, from April 24, 2000, April 27, 2000, Plaintiff Jare had extreme difficulty urinating and did not move his bowels at all because he could not wipe himself and most times wound up peeing on himself when he did urinate, which was not only humiliating but extremely uncomfortable as he had to remain in his pants under shorts.

11. That, as a direct result of him being placed & left in steel handcuffs, a black box, a steel waist chain and a padlock, by Defendant Dr. Clark, from April 24, 2000, to April 27, 2000, Plaintiff Jare suffered extreme, unnecessary, and physical pain, anguish and torture to his hands, wrists, arms & shoulders and permanent injury by way of scars on his wrists from the steel handcuffs and he will be scarred/marked for life from such.

12. That, as a direct result of him being placed & left in steel handcuffs, a black box, a steel waist chain and a padlock by Defendant Dr. Clark, from April 24, 2000, to April 27, 2000, Plaintiff Jare still has no feeling in his left hand right below his wrist to the base of his left thumb feels dead.

13. That, on April 23, 2000, Plaintiff Jare

began to cough up blood and had to be taken to the Emergency Room at Holy Spirit Hospital in Camp Hill,

14. That, Plaintiff Jare did this because he couldn't stay any more in prison then and because he was hearing voices in his head which told him to kill himself.

15. That, on April 24, 2000, a few hours prior to his being placed in steel handcuffs, a black box, a steel chain and a padlock, by Defendant Dr. Clark, Plaintiff Jare again attempted to kill himself, by trying to split his head open by banging it against his cell wall because the voices in his head told him to do so.

16. That, despite Plaintiff Jare's attempts to take his life on April 23 & 24, 2000, and despite a previous mental health illness relapse back on February 15 and February 16, 2000, where Plaintiff Jare rubbed all over his face, hair, arms, hands, chest & legs his cell wall and told prison staff that he was Jesus Christ and that little green men were running around his cell and trying to run away from him and where he was banging his head off the cell wall then to, Defendant Dr. Clark deliberately & wantonly refuse to put Plaintiff Jare back on psychiatric medication and also deliberately & wantonly refuse to have Plaintiff Jare committed to a psychiatric facility on a mental health commitment and wantonly and deliberately refuses to treat Plaintiff Jare for

17. That, Plaintiff Jae still hears voices in his head and still has thoughts about killing himself now from time to time here since April 27, 2000.

18. That, Plaintiff Jae believes that the next time he tries to kill himself, he will do so for certain, as he is sick of living.

19. That, Plaintiff Jae wants to get help and treatment for his mental illness disease and has requested such from Defendant Dr. Clark and other prison staff here, but has been denied such help and treatment by Defendant Dr. Clark and prison staff here.

20. That, Defendant Dr. Clark is aware of the above but still deliberately & wantonly refuse to put Plaintiff Jae back on any anti-psychotic medication and/or have him committed to a psychiatric facility for evaluation and treatment.

21. That, Plaintiff Jae has a long and lengthy past history of mental illness disease and has been taking different kinds of anti-psychotic medication since 1969 when he was nine (9) years old up until January 12, 1999, when he was taken off of all anti-psychotic medications by Defendant Dr. Clark here, with the exception of a period of time from April, 1986, - May, 1987, when he was on no psychiatric medications at all, and he has not been on any psychiatric medications since then.

V. STATEMENT OF LEGAL CLAIMS

First Cause of Action

22. That, based upon that stated in Paragraph Nos. 1-20, herein, supra, Plaintiff avers that Defendant Dr. Robert Clark, Chief Psychiatrist, has shown wanton and deliberate Indifference to ~~this~~ Plaintiff's serious mental health needs and he has thus violated Plaintiff's Rights & the Law under the Eighth Amendment of the United States Constitution & without the due process of the law required by the Fourteenth Amendment of the United States Constitution.

Second Cause of Action

23. That, based upon that stated in Paragraph Nos. 1-20 herein, supra, Plaintiff avers that Defendant Dr. Robert Clark, Chief Psychiatrist, has shown a wanton and deliberate Indifference to this Plaintiff's serious mental health needs and he has thus violated Plaintiff's rights and the law under Article I, § 13, of the Pennsylvania State Constitution.

Third Cause of Action

24. By failing to treat this Plaintiff for his mental health needs or by failing to have this Plaintiff committed on a mental health commitment, Defendant Dr. Robert Clark has violated his hypocritical oath and has committed a tort of medical malpractice in violation of Pennsylvania State Tort Law.

Fourth Cause of Action

25. By failing to treat and/or have this Plaintiff committed

Dr. Robert Clark, Chief Psychiatrist, has committed the Pennsylvania State Tort of Medical Negligence in violation of Pennsylvania State Tort Law.

Fifth Cause of Action

26. By failing to treat and/or have this Plaintiff committed on a mental health commitment for his serious mental illness disease needs, Defendant Dr. Robert Clark, Chief Psychiatrist, has allowed Plaintiff's mental illness to progress to the point where such has caused Plaintiff to act out and receive Institutional discipline for behavior which is a part and product of his serious mental health illness disease which has increased the amount of time this Plaintiff must spend locked-up in punitive segregation, where legally he should not be housed in the first place. Since Plaintiff suffers from serious mental health illness disease

27. That, Defendant Dr. Robert Clark, Chief Psychiatrist, either knew or should have known that his Acts, Acts of Omission, Conduct & Failures, as described herein, supra, would & have violated State and Federal Law(s) and Plaintiff's rights thereunder.

28. Plaintiff has suffered and is still suffering and is subjected to imminent danger of serious physical injury because he still now remains at risk of harming and/or killing himself as a result of his serious mental health illness needs, while he is receiving ^{psychiatric} no treatment for here at all.

29. That, on May 10, 2000, Plaintiff filed an official Inmate Grievance Form on/about that state herein, supra, against Defendant Dr. Robert Clark, C Psychiatrist.

30. That, after such had been received by the Grievance Coordinator here and he had assigned Gri No. CAM-0294-00 to such, he referred said Gri to Ms. Teresa M. Law, the Corrections Health Care Adminis (CHCA) here for investigation, review, an interview this Plaintiff an her answer/decision, on such.

31. That, in accordance with DC-ADM. #804.3-7 & 4-7 of the Pa. Dept. of Corrections, Ms. Law had ten working days in which to investigate, personally in this inmate - plaintiff and provide her written decision here on and for such grievance.

32. That, Ms. Law, CHCA, has refused to do and the tenth working day expired on May 23, 2000.

33. Therefore, this Plaintiff has tried and is exhaust his Administrative Remedies on this Grievance, due to Ms. Law, CHCA, (Prison Staff's) failure to follow mandatory Prison Grievance Policy and decide such Grievance ^{here} & due to the serious the issues involved herein this complaint and of imminent danger of serious physical injury to this

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. A Declaratory Judgment that the Acts, Actions, Conduct & Failures
Defendant Dr. Robert Clark, as stated herein, violated Plaintiff's Rights
the Law under the Eighth & Fourteenth Amendments of the U.S. Constitution
Articles 13 of the Pa. State Constitution & Pa. State Tort Laws of Medical
Malpractice & Negligence.
2. Compensatory Damages ~~against~~ ^{in an amount} ~~Dr. Robert Clark~~ to be determined at trial.
3. Punitive Damages in an amount to be
determined at trial, against defendant Dr. Robert Clark.
4. Exercise itsendent Jurisdiction over Plaintiff's State Law claims
5. All Plaintiff's Court Costs, Filing Fees, U.S. Marshall's Service Fees & Plaintiff's
Attorney's Fees and costs (IF ANY).
6. A Trial By Jury on All Issues & Claims, Herein.
7. Such Other & Further Relief As THIS Court Deems It's Just, Proper & Equitable, Herein.

Signed this 26th day of MAY, 2000

(s) John Richard Jae
(Signature of Plaintiff and Pro Se Counsel)

I declare under penalty of perjury that the foregoing is true and correct. PURSUANT TO U.S.C. 17

26th MAY 2000 = (s) John Richard Jae
(Date) (Signature of Plaintiff and Pro Se Counsel)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

P.O. BOX 1148
SCRANTON, PA 18501

June 19, 2000

John Richard Jae
SCI-Camp Hill
#BQ-3219
P.O. Box 200
Camp Hill, PA 17001-0200

Re: 1:00-cv-01090 Jae v. Clark
Judge: Sylvia H. Rambo

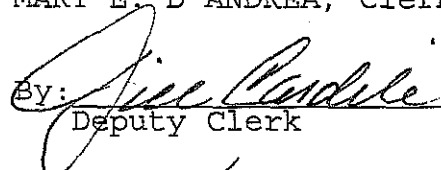
Dear Sir/Madam:

Receipt is acknowledged of the document noted at the foot of this letter, subject as captioned above.

The matter has been forwarded to the Court for consideration.

Very truly yours,

MARY E. D'ANDREA, Clerk

By: 
Deputy Clerk

[] Petition For Writ of Habeas Corpus ☒ Complaint
[] Transfer From Other District [] Other

NOTE: Please be advised that in order for service to be made a U.S. Marshal Form 285 (form enclosed) must be completed for each named defendant and returned to the Clerk's Office at the above address. Additional forms are available at the prison library or the U.S. Marshal's Office. (This does not apply to Petitions for Writ of Habeas Corpus.)

Enclosed: Notice of Consent regarding Magistrate Referral.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF MR. JOHN RICHARD JAG,		COURT CASE NUMBER
DEFENDANT DR. ROBERT CLARK, Chief Psychiatrist,		TYPE OF PROCESS Service
SERVE ➔	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN DR. Robert Clark, Chief Psychiatrist, SCI-Camp Hill	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) HTI, P.O. Box 8837, Camp Hill, PA-17001-8837	
AT		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:		
MR. JOHN RICHARD JAG #BA-364 SCI-Camp Hill P.O. Box 200 Camp Hill, PA-17001-0200		Number of process to be served with this Form - 285 1
		Number of parties to be served in this case 1
		Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

serve only BETWEEN the hours of 9:00 AM - 5:00 PM
Monday - Friday
(717)-737-4531

Signature of Attorney or other Originator requesting service on behalf of:

(S) John Richard Jag

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

N/A

DATE

26th MAY 2000

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service _____ Time _____ am
pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: